

Additionally, the Examiner has rejected independent Claim 1 as being obvious in view of the combined teachings of the Spinney, Jr. et al. and Bainbridge et al. references. This rejection is respectfully traversed.


Independent Claim 1 defines the invention as a multi-layered sports playing field for use over a base layer. The playing field includes a top layer that is made of substantially artificial material simulating a natural playing surface, such as grass. At least one padding layer is provided that is positionable between the top layer and the base layer. The padding layer is porous and breathable to allow liquids and air to freely pass therethrough. The padding layer includes a plurality of discrete beads of substantially elastic, resilient material. Portions of adjacent beads abut one another, and other portions of said adjacent beads are spaced from each other to create interstitial spaces therebetween. Substantially all of the adjacent beads are integrally joined together at the abutting portions thereof.

The Spinney, Jr. et al. reference discloses a composite sports field including a top surface 2 is artificial grass, a layer of a shock dissipating material 12, a layer of a shock absorbing material 14, and a base layer 18. The materials used to form both the layer of the shock dissipating material 12 (polyvinylchloride resin) and the layer of the shock absorbing material 14 (foamed, closed-cell polyvinyl material) do not allow the passage of water therethrough. Thus, not only is the Spinney, Jr. et al. reference completely silent as to the playing field being composed of beads (as noted by the Examiner), but it completely teaches away from the use of any material that "is porous and breathable to allow liquids and air to freely pass therethrough" as specifically claimed.

The Examiner proposed to combine the teachings of the Bainbridge et al. reference with the teachings of the Spinney, Jr. et al. reference to address this limitation. However, the Bainbridge et al. reference is non-analogous art to the claimed invention and, therefore, should not be considered. The Bainbridge et al. reference is non-analogous art to the claimed invention because it is neither (1) in the field of the applicant's endeavor nor (2) reasonably pertinent to the particular problem with which the inventor was concerned. With respect to the first leg of this test for

analogous art, the field of the Bainbridge et al. reference is protective padding for sports gear worn by an athlete. The field of the claimed invention, on the other hand, is a multi-layered sports playing field. Clearly, these two fields of endeavor are quite different. With respect to the second leg of this test for analogous art, the problems addressed by the Bainbridge et al. reference (namely, stiffness of material that does not conform well to the body of an active athlete, lack of material breathing to dissipate body heat, inability to be sewn into or washable with an athlete's uniform, absorption of moisture and odor) are quite different from the problems addressed by the claimed invention (namely, water drainage, consistency, time, and cost). Thus, the Bainbridge et al. reference is clearly non-analogous art to the claimed invention and, therefore, should not be considered at all when evaluating the patentability of the claimed invention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. MacMillan", written over a horizontal line.

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